

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--|---|--------------------------|
| Jerome Vernard Hart, |) | C/A No. 0:12-2481-JFA-BM |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Piedmont Medical Center; and Dr. John Doe, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The *pro se* plaintiff, Jerome Vernard Hart, brings this action pursuant to 42 U.S.C. § 1983 claiming medical indifference under the Eighth Amendment to the Constitution arising from treatment plaintiff received by the defendants after he was hit by an automobile. Although the plaintiff is a federal prisoner, the acts complained of did not occur while he was incarcerated.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the plaintiff's complaint should be summarily dismissed for lack of subject matter jurisdiction. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation, which was entered on the docket on September 20, 2012. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge properly concludes that this court does not have subject matter jurisdiction over the plaintiff's claims because complete diversity of the parties is lacking. 28 U.S.C. § 1332(a). Moreover, the plaintiff cannot show that his claims arise under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation is proper and is incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 13, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge